

ZETLIN & DE CHIARA LLP

Counselors at Law

September 11, 2012

By E-Mail Only

Hon. Alison J. Nathan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312
NathanNYSDChambers@nysd.uscourts.gov

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: SEP 11 2012**

**Re: The Louis Berger Group, Inc. v. State Bank of India
Docket No. 1:11-cv-00410-AJN**

Dear Judge Nathan:

As counsel to Plaintiff, The Louis Berger Group, Inc. ("LBG"), in the above-referenced matter, we write to advise the Court of developments since last week's exchange of correspondence. Defendant, State Bank of India (the "Bank"), has effected payment to LBG under the letter of credit that is the subject of this litigation, thereby resolving this dispute. Accordingly, LBG will today be electronically filing a Notice of Voluntary Dismissal ("Notice") pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), as no party has served an answer (the proposed pleading accompanying Progressive Construction Limited's motion to intervene having never been signed or filed with the Court) or motion for summary judgment. A copy of the Notice is enclosed herewith.

Given the foregoing, we respectfully submit that there is no need to burden Your Honor to conduct tomorrow's scheduled conference (set by Order dated September 6, 2012) and request that the Court direct its cancellation in conjunction with the voluntary dismissal of the case. We have spoken with the Bank's counsel, Mr. Rabinowitz, who expressed his consent to the foregoing.

SO ORDERED

We appreciate the Court's consideration.

SO ORDERED: 9/11/12

**HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE**

Respectfully submitted,

James J. Terry
James J. Terry, Esq.

Encl.

cc: David M. Rabinowitz, Esq. (via e-mail, w/ encl.)
Douglas A. Cooper, Esq. (via e-mail, w/ encl.)
Jonathan C. Sullivan, Esq. (via e-mail, w/ encl.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE LOUIS BERGER GROUP, INC.,

Plaintiff,

-VS.-

STATE BANK OF INDIA,

Defendant,

PROGRESSIVE CONSTRUCTIONS, LTD.,

Intervenor.
-----X

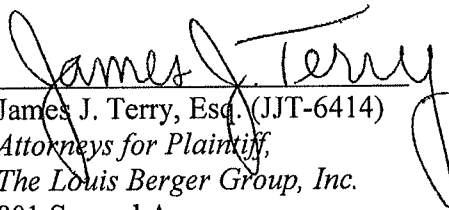
1:11-cv-00410 (AJN)

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that the Plaintiff, by its undersigned attorneys, hereby gives notice in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(i) of the voluntary dismissal of the above entitled action with prejudice, no answer or motion for summary judgment having been served or filed by either defendant herein.

Dated: New York, New York
September 11, 2012

ZETLIN & DE CHIARA LLP

By: 
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RE: The Louis Berger Group, Inc. v. State Bank of India (Docket No. 1:11-cv-00410-AJN)
(Plaintiff's Reply Letter in Support of Request to Lift Stay of Action)

David Rabinowitz

to:

'James J. Terry, Esq.', NathanNYSDChambers@nysd.uscourts.gov
09/11/2012 01:33 PM

Cc:

"Michael S. Zetlin, Esq.", 'JONATHAN SULLIVAN', 'DOUGLAS COOPER'

Hide Details

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Cc: "Michael S. Zetlin, Esq." <MZetlin@ZDLAW.com>, 'JONATHAN SULLIVAN'
<jsullivan@rmfpc.com>, 'DOUGLAS COOPER' <dcooper@rmfpc.com>

Dear Judge Nathan,

This email hereby confirms that defendant, State Bank of India, consents to plaintiff's voluntary dismissal of this case.

Respectfully,

David Rabinowitz

MOSES & SINGER LLP

COUNSELORS AT LAW

[website](#) [vCard](#) [bio](#) [map](#) [email](#)

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and accounting firms, with over 250 member firms in 100 countries.



From: Rachel Yick [<mailto:ryick@ZDLAW.com>] **On Behalf Of** James J. Terry, Esq.

Sent: Tuesday, September 11, 2012 1:15 PM

To: NathanNYSDChambers@nysd.uscourts.gov

Cc: Michael S. Zetlin, Esq.; David Rabinowitz; 'JONATHAN SULLIVAN'; 'DOUGLAS COOPER'

Subject: The Louis Berger Group, Inc. v. State Bank of India (Docket No. 1:11-cv-00410-AJN) (Plaintiff's Reply Letter in Support of Request to Lift Stay of Action)

Dear Judge Nathan:

The attached letter and Notice of Voluntary Dismissal is respectfully submitted in behalf of Plaintiff, The Louis Berger Group, Inc..

Respectfully yours,

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Zetlin & DeChiara LLP

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